

HOUSE BILL No. 5473

March 15, 2012, Introduced by Rep. Irwin and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2012 PA 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) If an applicant for an operator's license or
2 chauffeur's license is a citizen of the United States, the
3 applicant shall supply a photographic identity document, a birth
4 certificate, or other sufficient documents as the secretary of
5 state may require to verify the identity and citizenship of the
6 applicant. If an applicant for an operator's or chauffeur's
7 license is not a citizen of the United States, the applicant
8 shall supply a photographic identity document and other
9 sufficient documents to verify the identity of the applicant and
10 the applicant's legal presence in the United States under

1 subdivision (b). The documents required under this subsection
2 shall include the applicant's full legal name, date of birth, and
3 address and residency and demonstrate that the applicant is a
4 citizen of the United States or is legally present in the United
5 States. If the applicant's full legal name differs from the name
6 of the applicant that appears on a document presented under this
7 subsection, the applicant shall present documents to verify his
8 or her current full legal name. The secretary of state shall
9 accept as 1 of the required identification documents an
10 identification card issued by the department of corrections to
11 prisoners who are placed on parole or released from a
12 correctional facility, containing the prisoner's legal name,
13 photograph, and other information identifying the prisoner. ~~as~~
14 ~~provided in section 37(4) of the corrections code of 1953, 1953~~
15 ~~PA 232, MCL 791.237.~~ An application for an operator's or
16 chauffeur's license shall be made in a manner prescribed by the
17 secretary of state and shall contain all of the following:

18 (a) The applicant's full legal name, date of birth,
19 residence address, height, sex, eye color, signature, intent to
20 make an anatomical gift, other information required or permitted
21 on the license under this chapter, and, only to the extent
22 required to comply with federal law, the applicant's social
23 security number. The applicant may provide a mailing address if
24 the applicant receives mail at an address different from his or
25 her residence address.

26 (b) If the applicant is not a citizen of the United States,
27 the applicant shall provide, and the department shall verify,

1 documents demonstrating his or her legal presence in the United
2 States. Nothing in this act shall obligate or be construed to
3 obligate this state to comply with title II of the real ID act of
4 2005, Public Law 109-13. The secretary of state may adopt rules
5 under the administrative procedures act of 1969, 1969 PA 306, MCL
6 24.201 to 24.328, as are necessary for the administration of this
7 subdivision. A determination by the secretary of state that an
8 applicant is not legally present in the United States may be
9 appealed under section 631 of the revised judicature act of 1961,
10 1961 PA 236, MCL 600.631.

11 (c) The following notice shall be included to inform the
12 applicant that under sections 509o and 509r of the Michigan
13 election law, 1954 PA 116, MCL 168.509o and 168.509r, the
14 secretary of state is required to use the residence address
15 provided on this application as the applicant's residence address
16 on the qualified voter file for voter registration and voting:

17 "NOTICE: Michigan law requires that the same address
18 be used for voter registration and driver license
19 purposes. Therefore, if the residence address
20 you provide in this application differs from your
21 voter registration address as it appears on the
22 qualified voter file, the secretary of state
23 will automatically change your voter registration
24 to match the residence address on this application,
25 after which your voter registration at your former
26 address will no longer be valid for voting purposes.
27 A new voter registration card, containing the
28 information of your polling place, will be provided

1 to you by the clerk of the jurisdiction where your
2 residence address is located.".

3 (d) For an original or renewal operator's or chauffeur's
4 license with a vehicle group designation or indorsement, the
5 names of all states where the applicant has been licensed to
6 drive any type of motor vehicle during the previous 10 years.

7 (e) For an operator's or chauffeur's license with a vehicle
8 group designation or indorsement, the following certifications by
9 the applicant:

10 (i) The applicant meets the applicable federal driver
11 qualification requirements under 49 CFR parts 383 and 391 if the
12 applicant operates or intends to operate in interstate commerce
13 or meets the applicable qualifications of the department of state
14 police under the motor carrier safety act of 1963, 1963 PA 181,
15 MCL 480.11 to 480.25, if the applicant operates or intends to
16 operate in intrastate commerce.

17 (ii) The vehicle in which the applicant will take the driving
18 skills tests is representative of the type of vehicle the
19 applicant operates or intends to operate.

20 (iii) The applicant is not subject to disqualification by the
21 United States secretary of transportation, or a suspension,
22 revocation, or cancellation under any state law for conviction of
23 an offense described in section 312f or 319b.

24 (iv) The applicant does not have a driver's license from more
25 than 1 state or jurisdiction.

26 (f) An applicant for an operator's or chauffeur's license

1 with a vehicle group designation and a hazardous material
2 indorsement shall provide his or her fingerprints as prescribed
3 by state and federal law.

4 (2) An applicant for an operator's or chauffeur's license
5 may have his or her image and signature captured or reproduced
6 when the application for the license is made. The secretary of
7 state shall acquire equipment purchased or leased under this
8 section under standard purchasing procedures of the department of
9 management and budget based on standards and specifications
10 established by the secretary of state. The secretary of state
11 shall not purchase or lease equipment until an appropriation for
12 the equipment has been made by the legislature. A digital
13 photographic image and signature captured under this section
14 shall appear on the applicant's operator's license or chauffeur's
15 license. A person's digital photographic image shall be used as
16 follows:

17 (a) By a federal, state, or local governmental agency for a
18 law enforcement purpose authorized by law.

19 (b) By the secretary of state for a use specifically
20 authorized by law.

21 (c) By the secretary of state for forwarding to the
22 department of state police the images of persons required to be
23 registered under the sex offenders registration act, 1994 PA 295,
24 MCL 28.721 to 28.736, upon the department of state police
25 providing the secretary of state an updated list of the names of
26 those persons.

27 (d) As necessary to comply with a law of this state or of

1 the United States.

2 (3) An application shall contain a signature or verification
3 and certification by the applicant, as determined by the
4 secretary of state, and shall be accompanied by the proper fee.
5 The secretary of state shall collect the application fee with the
6 application. The secretary of state shall refund the application
7 fee to the applicant if the license applied for is denied, but
8 shall not refund the fee to an applicant who fails to complete
9 the examination requirements of the secretary of state within 90
10 days after the date of application for a license.

11 (4) In conjunction with the application for an **ORIGINAL OR**
12 **RENEWAL** operator's license or chauffeur's license, the secretary
13 of state shall do all of the following:

14 (A) **SPECIFICALLY INQUIRE, EITHER ORALLY OR IN WRITING,**
15 **WHETHER THE APPLICANT WISHES TO PARTICIPATE IN THE ANATOMICAL**
16 **GIFT DONOR REGISTRY PROGRAM UNDER PART 101 OF THE PUBLIC HEALTH**
17 **CODE, 1978 PA 368, MCL 333.10101 TO 333.10123.**

18 (B) ~~(a)~~—Provide the applicant with all of the following:

19 (i) Information explaining the applicant's right to make an
20 anatomical gift in the event of death in accordance with section
21 310.

22 (ii) Information describing the anatomical gift donor
23 registry program under part 101 of the public health code, 1978
24 PA 368, MCL 333.10101 to 333.10123. The information required
25 under this subparagraph includes the address and telephone number
26 of Michigan's federally designated organ procurement organization
27 or its successor organization as defined in section 10102 of the

1 public health code, 1978 PA 368, MCL 333.10102.

2 (iii) Information giving the applicant the opportunity to be
3 placed on the donor registry described in subparagraph (ii).

4 (C) ~~(b)~~—Provide the applicant with the opportunity to
5 specify on his or her operator's or chauffeur's license that he
6 or she is willing to make an anatomical gift in the event of
7 death in accordance with section 310.

8 (D) ~~(e)~~—Inform the applicant that, if he or she indicates to
9 the secretary of state under this section a willingness to have
10 his or her name placed on the donor registry described in
11 subdivision ~~(a) (ii)~~—(B) (ii), the secretary of state will mark the
12 applicant's record for the donor registry.

13 (E) ~~(d)~~—Provide the applicant with the opportunity to make a
14 donation of \$1.00 or more to the organ and tissue donation
15 education fund created under section 217o. A donation made under
16 this subdivision shall be deposited in the state treasury to the
17 credit of the organ and tissue donation education fund.

18 (5) **AN APPLICANT SHALL RESPOND TO THE ORAL OR PRINTED**
19 **INQUIRY DESCRIBED UNDER SUBSECTION (4) (A) WITH "YES", "NO", OR**
20 **"DECLINE TO ANSWER". THE SECRETARY OF STATE SHALL NOT ISSUE AN**
21 **ORIGINAL OR RENEWAL OPERATOR'S OR CHAUFFEUR'S LICENSE IF THE**
22 **APPLICANT FAILS TO RESPOND TO THE INQUIRY AS DESCRIBED IN THIS**
23 **SUBSECTION.** The secretary of state may fulfill the requirements
24 of subsection (4) by 1 or more of the following methods:

25 (a) Providing printed material enclosed with a mailed notice
26 for an operator's or chauffeur's license renewal or the issuance
27 of an operator's or chauffeur's license.

1 (b) Providing printed material to an applicant who
2 personally appears at a secretary of state branch office,
3 **INQUIRING ORALLY, OR BOTH.**

4 (c) Through electronic information transmittals for
5 operator's and chauffeur's licenses processed by electronic
6 means.

7 (6) The secretary of state shall maintain a record of an
8 individual who indicates a willingness to have his or her name
9 placed on the donor registry described in subsection ~~(4)(a)(ii)~~
10 **(4)(B)(ii)**. Information about an applicant's indication of a
11 willingness to have his or her name placed on the donor registry
12 that is obtained by the secretary of state under subsection (4)
13 and forwarded under subsection (14) is exempt from disclosure
14 under section 13(1)(d) of the freedom of information act, 1976 PA
15 442, MCL 15.243.

16 (7) If an application is received from a person previously
17 licensed in another jurisdiction, the secretary of state shall
18 request a copy of the applicant's driving record and other
19 available information from the national driver register. When
20 received, the driving record and other available information
21 become a part of the driver's record in this state.

22 (8) If an application is received for an original, renewal,
23 or upgrade of a vehicle group designation or indorsement, the
24 secretary of state shall request the person's complete driving
25 record from all states where the applicant was previously
26 licensed to drive any type of motor vehicle over the last 10
27 years before issuing a vehicle group designation or indorsement

1 to the applicant. If the applicant does not hold a valid
2 commercial motor vehicle driver license from a state where he or
3 she was licensed in the last 10 years, this complete driving
4 record request must be made not earlier than 24 hours before the
5 secretary of state issues the applicant a vehicle group
6 designation or indorsement. For all other drivers, this request
7 must be made not earlier than 10 days before the secretary of
8 state issues the applicant a vehicle group designation or
9 indorsement. The secretary of state shall also check the
10 applicant's driving record with the national driver register and
11 the federal commercial driver license information system before
12 issuing that group designation or indorsement. If the application
13 is for the renewal of a vehicle group designation or indorsement,
14 and if the secretary of state enters on the person's historical
15 driving record maintained under section 204a a notation that the
16 request was made and the date of the request, the secretary of
17 state is required to request the applicant's complete driving
18 record from other states only once under this section.

19 (9) Except for a vehicle group designation or indorsement or
20 as provided in this subsection or section 314(5), the secretary
21 of state may issue a renewal operator's or chauffeur's license
22 for 1 additional 4-year period or until the person is no longer
23 determined to be legally present under this section by mail or by
24 other methods prescribed by the secretary of state. The secretary
25 of state may check the applicant's driving record through the
26 national driver register and the commercial driver license
27 information system before issuing a license under this section.

1 The secretary of state shall issue a renewal license only in
2 person if the person is a person required under section 5a of the
3 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
4 maintain a valid operator's or chauffeur's license or official
5 state personal identification card. If a license is renewed by
6 mail or by other method, the secretary of state shall issue
7 evidence of renewal to indicate the date the license expires in
8 the future. The department of state police shall provide to the
9 secretary of state updated lists of persons required under
10 section 5a of the sex offenders registration act, 1994 PA 295,
11 MCL 28.725a, to maintain a valid operator's or chauffeur's
12 license or official state personal identification card.

13 (10) Upon request, the secretary of state shall provide an
14 information manual to an applicant explaining how to obtain a
15 vehicle group designation or indorsement. The manual shall
16 contain the information required under 49 CFR part 383.

17 (11) The secretary of state shall not disclose a social
18 security number obtained under subsection (1) to another person
19 except for use for 1 or more of the following purposes:

20 (a) Compliance with 49 USC 31301 to 31317 and regulations
21 and state law and rules related to this chapter.

22 (b) To carry out the purposes of section 466(a) of the
23 social security act, 42 USC 666, in connection with matters
24 relating to paternity, child support, or overdue child support.

25 (c) To check an applicant's driving record through the
26 national driver register and the commercial driver license
27 information system when issuing a license under this act.

1 (d) With the department of community health, for comparison
2 with vital records maintained by the department of community
3 health under part 28 of the public health code, 1978 PA 368, MCL
4 333.2801 to 333.2899.

5 (e) As otherwise required by law.

6 (12) The secretary of state shall not display a person's
7 social security number on the person's operator's or chauffeur's
8 license.

9 (13) A requirement under this section to include a social
10 security number on an application does not apply to an applicant
11 who demonstrates he or she is exempt under law from obtaining a
12 social security number.

13 (14) As required in section 10120 of the public health code,
14 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
15 the donor registry in a manner that provides electronic access,
16 including, but not limited to, the transfer of data to this
17 state's federally designated organ procurement organization or
18 its successor organization, tissue banks, and eye banks, in a
19 manner that complies with that section.

20 (15) The secretary of state, with the approval of the state
21 administrative board created under 1921 PA 2, MCL 17.1 to 17.3,
22 may enter into agreements with the United States government to
23 verify whether an applicant for an operator's license or a
24 chauffeur's license under this section who is not a citizen of
25 the United States is authorized under federal law to be present
26 in the United States.

27 (16) The secretary of state shall not issue an operator's

1 license or a chauffeur's license to a person holding an
2 operator's license or chauffeur's license issued by another state
3 without confirmation that the person is terminating or has
4 terminated the operator's license or chauffeur's license issued
5 by the other state.

6 (17) The secretary of state shall do all of the following:

7 (a) Ensure the physical security of locations where
8 operator's licenses and chauffeur's licenses are produced and the
9 security of document materials and papers from which operator's
10 licenses and chauffeur's licenses are produced.

11 (b) Subject all persons authorized to manufacture or produce
12 operator's licenses or chauffeur's licenses and all persons who
13 have the ability to affect the identity information that appears
14 on operator's licenses or chauffeur's licenses to appropriate
15 security clearance requirements. The security requirements of
16 this subdivision and subdivision (a) may require that licenses be
17 manufactured or produced in this state.

18 (c) Provide fraudulent document recognition programs to
19 department of state employees engaged in the issuance of
20 operator's licenses and chauffeur's licenses.

21 (18) The secretary of state shall have electronic access to
22 prisoner information maintained by the department of corrections
23 for the purpose of verifying the identity of a prisoner who
24 applies for an operator's or chauffeur's license under subsection
25 (1).